

**RESOLUTION NO. 2013-3**

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY GRANTING SPRING RIDGE LLC (NEELY/MYERS) AMENDMENTS TO CONDITIONAL USE PERMITS X7D-151 AND X7D-169 FOR PROPERTY LOCATED AT 555 PORTOLA ROAD**

**WHEREAS**, Dr. Kirk Neely and Ms. Holly Myers, on behalf of Spring Ridge LLC (applicant) applied for amendments to existing Conditional Use Permits X7D-151 and X7D-169 regulating floor area, impervious surface area and agricultural uses, including winery operations, on the applicant's 228.86-acre property located at 555 Portola Road (Assessor's Parcel 076-340-110); and

**WHEREAS**, the requested amendments are to specifically allow for 5.5 acres of new agricultural vineyard uses within the general plan "meadow preserve" area of the subject property and to also permit processing of the grapes from the new vineyard area within the existing winery facilities authorized by Conditional Use Permit X7D-151, without any expansion of winery facilities; and

**WHEREAS**, the amendments were preliminarily considered at publicly noticed Planning Commission and Architectural and Site Control Commission (ASCC) meetings in April and May of 2013, including a May 13, 2013 site meeting and, after the preliminary review, the amendment requests were modified to respond to input received; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the modified amendment applications at regular Commission meetings on October 2, 2013, October 16, 2013 and November 20, 2013; and

**WHEREAS**, the during the course of the public hearing, the Planning Commission heard and considered reports from the Town Planner and Town Attorney and public input and evaluations of the amendment applications; and

**WHEREAS**, in the absence of substantial evidence that the project would have a significant effect on the environment, a Negative Declaration (ND) was prepared for the project in compliance with the California Environmental Quality Act, was released for public review for 30 days on September 27, 2013, and one public comment was received on the proposed ND, by the end of the circulation period on October 28, 2013; and

**WHEREAS**, at the October 16, 2013 the Planning Commission meeting, the Planning Commission identified minor modifications for clarification to the ND which did not necessitate recirculation and those minor modifications were made recorded in the ND, revised November 14, 2013; and,

**WHEREAS**, at the November 20, 2013 continued public hearing, the Planning Commission considered the information presented with the November 14, 2013 report from the Town Planner along with the previous reports and materials and additional public comments and closed the public hearing.

**NOW, THEREFORE**, be it **RESOLVED** that the Planning Commission:

1. Adopts the proposed ND revised November 14, 2013 and November 20, 2013; and
2. Makes the findings to support the use permit amendments as set forth in attached Exhibit A to this Resolution; and
3. Approves the amendment to Conditional Use Permit X7D-169 subject to the *Terms and Conditions* set forth in attached Exhibit B to this Resolution; and
4. Approves amendment to Conditional Use Permit X7D-151 subject to the *Terms and Conditions* set forth in attached Exhibit C to this Resolution.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on November 20, 2013.

For: Commissioners McKitterick, McIntosh, Targ  
Against: Vice Chair Gilbert, Chair Von Feldt  
Absent: None

By:   
Chair Alex Von Feldt

Attest:   
Town Planner, Tom Vlasic

**Town of Portola Valley**  
**ADOPTED NEGATIVE DECLARATION**  
**CONDITIONAL USE PERMIT AMENDMENTS X7D-169 & 151**  
**SPRING RIDGE LLC (NEELY/MYERS)**  
**September 27, 2013, Rev. 11/14/13 and 11/20/13**

A notice pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000 et seq.) that the following project:

The proposed amendments to CUPs X7D-169 & X7D-151 when implemented will not have a significant impact on the environment.

**File Number:** *CUP X7D-169 and CUP X7D-151, Spring Ridge LLC (Neely/Myers)*

**Owner:** *Spring Ridge LLC*

**Applicant:** *Dr. Kirk Neely and Ms. Holly Myers*

**Assessor's Parcel Number:** *APN: 076-340-110*

The conditional use permit (CUP) amendment applications specifically request that CUP X7D-169 be modified to allow for up to 6.5 acres of other agricultural uses, including potentially up to 5.5 acres of new vineyards, for the northerly portion of the approximately 17 acres of town general plan "Meadow Preserve" area located on the subject 229 acre property. Within the 6.5 acres area, CUP X7D-169 already allows for an agricultural building with new service road access, haying and, at the northern and western edges of the Meadow Preserve area, orchard and fruit and vegetable uses. The amendment to CUP X7D-151 would recognize the new vineyard area as part of the Winery CUP and allow for processing of grapes from the proposed "Meadow Preserve" vineyard at the existing winery facilities operated under the provisions of CUP X7D-151. These provisions and those of X7D-169 do not allow for sale of agricultural products or wine at the site and these limitations would not change with the proposed amendments. All agricultural operations would be conducted within the limits of the established permits in terms of farming, harvesting, irrigation and land management. In particular, the scope of agricultural area authorized by X7D-169 would not change in any significant manner from that allowed under X7D-169 and the adopted mitigated declaration for that permit, as revised January 18, 2012. The primary change is the addition of vineyards in the northerly meadow area and evaluation of this proposal for conformity with the Meadow Preserve provisions of the Portola Valley General Plan.

The specific amendment requests are set forth in the July 19, 2013 letter from Dr. Neely and Ms. Myers and shown on the revised site Sheet: Sk-1, dated 9/19/13, rev. 11/14/13, prepared by CJW Architecture. The proposals are further described and evaluated in the September 27, 2013 staff report to the planning commission and the November 14, 2013 report to the commission.

The subject parcel is a large property on the Western hillsides of Portola Valley extending roughly 6,000 feet from Portola Road with significant gains in elevation over the level of Portola Road. It is constrained by traces of the San Andreas Fault along its eastern frontage and steep slopes, and significant areas of slope instability. Existing and proposed residential improvements would, however, be located on stable slopes meeting all town requirements for access, fire safety, water supply and sewage disposal. The new uses would be accessory to the primary residential and agricultural uses on the property. The project and its setting are described in detail in the September 27, 2013 staff report with attachments.

The site is bordered on the south and west sides by a large property owned and operated by the Midpeninsula Regional Open Space District. To the north other large parcels exist with limited development as they are constrained by conditions similar to those impacting the subject property. To the east is a residential neighborhood with densities ranging from one to two acres per dwelling unit.

Copies of the above referenced project plans and materials are available for reference at Portola Valley Town Hall, 765 Portola Road.

**Findings and Basis for a Negative Declaration:**

Town staff has prepared the updated September 27, 2013, rev. 11/14/13, initial study for the project and, based upon substantial evidence in the record as set forth in the September 27, 2013 staff report and attachments to and referenced in that report, and the 11/14/13 staff report, finds that with the existing CUP conditions and conditions to be added relative to the proposed amendments as discussed in 9/27/13 7 11/14/13 staff report and proposed planning commission Resolution 2013-3 that:

1. The project will have less than significant impact on scenic resources, the existing visual character of the site and its surroundings, or other site and area aesthetic qualities;
2. The project will not have adverse impacts on agricultural resources;
3. The project will not adversely affect water or air quality, or increase noise levels substantially;
4. The project will not have adverse impacts on the biological resources of the area;
5. The project will not adversely expose people or structures to geologic hazards, result in substantial soil erosion or otherwise cause adverse impacts associated with soils and geologic conditions;
6. The project will not have adverse impacts associated with any hazard or hazardous materials;
7. The project will not have adverse impacts on traffic, land use, mineral resources, public services, recreation, or utilities and service systems;
8. In addition, the project will not:
  - a. Create impacts which have the potential to degrade the quality of the environment.
  - b. Create impacts for a project which are individually limited, but cumulatively considerable.
  - c. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

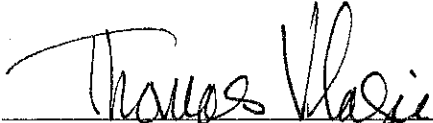
The Town of Portola Valley has, therefore, determined that subject to the required permit terms and conditions the environmental impact of the project is insignificant.

**The following responsible agencies were consulted when preparing the initial study:**

Town of Portola Valley.

**Initial Study**

Town staff has reviewed the environmental evaluation of this project in the updated September 27, 2013, rev. 11/14/13, Initial Study including the data and evaluations in the 9/27/13 and 11/14/13 staff reports to the planning commission and has found that the probable environmental impacts are insignificant.

  
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Tom Vlasic  
Town Planner  
Town of Portola Valley

September 27, 2013, rev. 11/14/13  
and revised 11/20/13  
Date

**EXHIBIT A**  
**PLANNING COMMISSION RESOLUTION No. 2013-3**  
**FINDINGS TO SUPPORT**  
**PROPOSED AMENDMENTS TO**  
**CONDITIONAL USE PERMITS (CUPs) X7D-151 AND X7D-169**  
**555 PORTOLA ROAD**  
**SPRING RIDGE LLC (NEELY/MYERS)**

**NOVEMBER 20, 2013**

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1. The January 2012 approval of CUP X7D-169 allowed for approximately 10.5-11.0 acres of hay/grass and other vegetable and orchard agricultural uses in specifically designated areas within the 17 acre general plan "meadow preserve" area of the subject 229-acre property. The existing approval includes an Agricultural Building and modified service driveway access to Portola Road and specific CUP conditions setting standards for how agricultural activities would be conducted. Thus, active agricultural uses are currently permitted with supporting structures, access, including harvesting, making use of existing dirt/grass roads, etc. The amendments to CUP X7D-169 will permit up to 5.5 acres of new vineyards at the northerly end of the meadow within the 10.5-11.0 acre area identified in CUP X7D-169 for hay/grass and other agricultural uses. The specific area where the vineyards are planned is identified on Plan Sheet: SK-1, revised November 14, 2013, prepared by CJW Architecture (hereafter referred to as SK-1) and was specifically viewed during the May 13, 2013 joint Planning Commission and ASCC site meeting. Other than the allowance for new vineyard use within the 10.5-11 acre area, no changes to building area, access, impervious surfaces, general distribution of uses, or method of agricultural uses are proposed to that authorized by the existing provisions of CUPs X7D-151 and X7D-169. The grapes harvested in the 5.5 acres of new vineyards in the meadow area are to be processed in the existing winery facilities authorized by CUP X7D-151, and no expansion to the facilities is proposed for such processing or authorized with the amendments.
2. Of the 229-acre property, with these amendments, CUP authorized agricultural uses are limited to a total of 24-25 acres, essentially the same as authorized under the existing provisions of CUPs X7D-151 and X7D-169. The primary change is to permit up to 5.5 acres of new vineyards at the northerly end of the meadow preserve area as shown on SK-1, and to allow for harvested grapes to be processed at the existing on-site winery facilities within volumes anticipated under the existing terms of CUP X7D-151. The change would increase the total vineyard area possible on the entire 229-acre property to 19 acres. The existing 13.5 acres of vineyards outside of the meadow area and recognized in CUP X7D-151 would not change and there is no request or authorization for new vineyards beyond the existing 13.5 acres authorized by CUP X7D-151 and the new 5.5 acres proposed in the meadow area as shown on SK-1.
3. At the evening May 13, 2013 ASCC meeting, ASCC members discussed the findings and input from the joint site meeting with the Planning Commission and clarifications

offered by the applicants. The ASCC concluded that the "proposed range of agricultural uses was appropriate and that the area proposed for the uses would not be highly exposed to views from the [Portola Road] corridor."

4. The additional winery production would be limited by the conditions of the existing winery permit and these include no onsite sale of wine to consumers. Further, the subject amendment applications do not request nor would the amended permits authorize any direct on site sale of agricultural products, and customers may not come to the winery for tasting or purchasing of wine.
5. The record associated with CUP X7D-151 anticipated a volume of wine production of up to 3,800 cases annually. The current 13.5 acres of vineyards generates on average 176 cases of wine per acre for a total of 2,375 cases annually. With 19.0 acres, production could increase up to an average of 3,400 cases annually, but the current production estimate of the property owner with the added vineyard area is an annual average production of between 3,300 and 3,400 cases and within the 3,800 anticipated with authorization of CUP X7D-151. Caution was expressed in the findings for CUP X7D-151 relative to winery expansion due to the high visibility of the property and potential for modification of natural landforms and vegetation. The area proposed for the new vineyards is not highly visible from the Portola Road corridor. No natural landforms would be changed or significant trees removed with amendment to CUP X7D-169. The vegetation to be impacted are grasses in the meadow area that have already been impacted by haying operations, and this grass area was found acceptable for haying and some additional agricultural use with the granting of CUP X7D-169. Thus, the additional proposed vineyard area would not be highly visible.
6. The general plan states the following for the approximately 24-acre meadow preserve area, a part of which is on the subject property:

*"The Meadow Preserve, the large field adjoining Portola Road and north of the Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved."*

Approximately 17 acres of the meadow preserve are on the subject property and 7 acres are on the adjacent Mid-Peninsula Regional Open Space District (MROSD) property immediately south of the subject property. Approximately, 4 to 5 acres of the MROSD meadow preserve adjacent to the subject site are in grassland with the southerly 2-3 acres devoted to driveway and parking lot uses. Of the 17-acres of meadow preserve on the subject property, 4.5 acres may be devoted to hay/grass agricultural uses, 6.5 to 7 acres to new agricultural uses including the authorized agricultural building and services access drive, and 5.5 acres left in its existing open space condition. The 4.5 acres of hay/grass area on the subject site is immediately contiguous to the 4-5 acres of grass area on the MROSD property and the Planning Commission finds that this contiguity is important to maintaining the visual appearance of the meadow preserve along Portola Road for the Town.

Based on evaluations in the staff reports and discussions during the public hearing on the use permit amendments, specifically at the October 2, October 16, and November 20, 2013 Planning Commission meetings, it is found that the requested amendments can be found consistent with the general plan "meadow preserve" provisions because the area proposed for additional vineyards is not highly visible from Portola Road,

continues to maintain the existing agricultural character to the property, and does not impact the 4.5 acres of hay/grass contiguous to the MROSD property. Nevertheless, the Planning Commission finds the following appropriate and integral to the determination of consistency:

- a. The area identified as Hay/Grass on SK-1 shall be maintained in hay/grass agricultural uses or open space. The commission finds that only by maintaining the hay/grass area on SK-1 in conjunction with the grass uses on the adjacent MROSD property (regulated by the town pursuant to MROSD CUP X7D-133) can the proposed uses be found to achieve conformity with general plan "meadow preserve" provisions.
- b. There shall be no fencing along the southern boundary of the subject property and no new planting of trees or other non-hay/grass materials shall take place to define the boundary and/or physically or visually break up this contiguous "meadow preserve" area. Further, no signage, e.g. "no trespassing" or other site markings shall be installed to identify the boundary. It is assumed that the neighboring property owners will achieve private cooperation relative to respecting the boundary. If the boundary matter proves to be a documented problem, the property owner may seek relief from this condition from the Planning Commission without the need for a conditional use permit amendment.
- c. The few existing trees along the southern boundary of the site may remain as allowed for in the boundary clearing plan approved in 2012 by the ASCC and conservation committee and implemented by the property owner. It was recognized during the ASCC review process that the few trees do provide some identification of the transition between properties and also some habitat for deer and other meadow area wildlife.
- d. Fencing of the non-hay/grass new agricultural blocks shall be as transparent as possible. Specifically, the fencing shall be no higher than 7 feet and shall be of 2-inch grape stakes, at 10-foot spacing, with no rails and 6"x6" narrow gauge wire mesh. A smaller mesh may be used for the lower three feet of vegetable block fencing. Recycled materials shall be used for fencing whenever possible. New meadow area fencing is permitted only around and within the "new agricultural" blocks and shall be the minimum possible necessary to provide for protection of the non-hay/grass agricultural plantings. All meadow area fencing plans shall be subject to ASCC review and approval prior to installation and shall incorporate provisions to the satisfaction of the ASCC to ensure fencing is adjusted to site contours and existing trees and other vegetation to be as transparent and inconspicuous as possible relative to views from the Portola Road Corridor.
- e. The property owner shall continue to work with the Town relative to Town objectives for selective trimming and removal of vegetation along the Portola Road Corridor parkway as shown on the general plan. Specifically, when the Portola Road Corridor Plan is completed, but no more than 24-months from the effective date of this CUP amendment, the property owner shall make a good faith effort to collaborate with appropriate Town representatives in additional selective trimming and removal of vegetation consistent with the provisions of the completed plan. The property owner is encouraged to participate in the Corridor Plan process so that final objectives relative to clearing and opening of views can benefit from property owner input.



- f. The existing property dirt/grass road system as described on Sheet: SK-1, dated 11/14/13, prepared by CJW Architecture, may continue to be used for periodic maintenance and harvesting of agricultural production consistent with the agricultural plan on SK-1 and the provisions of CUPs X7D-151 and X7D-169. No new property dirt/grass roads shall be established for the meadow area. Further, the current meadow area dirt/grass roads shall not be improved beyond their current conditions. The alignment of the existing dirt/grass roads may be modified when found appropriate by the ASCC during review and approval of detailed meadow area planting and fencing plans.
- g. The allowance for the 5.5 acres of vineyards within the "new agricultural" areas shown on SK-1, and finding of conformity with the current general plan provisions for such allowance, is with the explicit understanding of the following distribution of uses on the 229-acre property as reflected on the approved plans for CUPs X7D-151 and X7D-169 and modified by proposed Sheet: SK-1 (acreages are approximate):

Existing vineyard	13.50 acres	(5.90%)
New agricultural	6.50 acres	(2.84%)
Hay/grass	4.60 acres	(2.00%)
Buildings	.53 acres	(.23%)
Impervious surfaces	1.46 acres	(.64%)
<u>Undeveloped lands</u>	<u>202.41 acres</u>	<u>(88.39%)</u>
<b>Total</b>	<b>229.00 acres</b>	<b>(100.00%)</b>

7. The general plan provides that the Meadow Preserve should be kept in a natural condition and the existing agricultural character preserved, but does not specifically define "natural" or "existing agricultural character." Based on the findings set forth above, the Planning Commission finds that the natural condition and existing agricultural character of the Meadow Preserve would not be preserved if the hay/grass portion on the subject property were: (1) reduced beyond that proposed by the CUP amendment as identified on Sheet: SK-1, dated 11/14/13; or (2) reconfigured so as to not be contiguous to the MROSD grassland "meadow" area.

**EXHIBIT B – PLANNING COMMISSION RESOLUTION No. 2013-3  
TERMS AND CONDITIONS**

Town of Portola Valley  
**Amended Conditional Use Permit X7D-169**  
SPRING RIDGE LLC (NEELY/MYERS)  
555 PORTOLA ROAD  
ASSESSOR'S PARCEL NUMBER: 076-340-110

As amended by the Planning Commission  
November 20, 2013

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Pursuant to Section 18.48.010, Table No. 1 of the Portola Valley Zoning Ordinance, this Conditional Use Permit (CUP) is granted to Spring Ridge LLC (Neely/Myers) allowing for the following floor areas and impervious surface areas on the subject 228.86-acre property:

**Floor Areas:**

Existing main residence with detached garage	7,808 sf
Existing agricultural/winery building <sup>1</sup>	1,787 sf <sup>1</sup>
<i>Proposed greenhouse</i>	3,420 sf
<i>Proposed entertainment/cabana building</i>	2,285 sf
<i>Proposed guest house</i>	740 sf
<i>Proposed art studio</i>	1,400 sf
<i>Proposed horse barn</i>	3,540 sf
<i>Proposed agricultural building</i>	2,400 sf
<b>Total proposed floor area</b>	<b>23,380 sf</b>

**Impervious Surface (IS) Areas:**

Existing paved and other IS areas including existing reservoir structures	31,614 sf
Existing tennis court surface	6,766 sf <sup>2</sup>
<i>Proposed greenhouse IS</i>	675 sf
<i>Proposed entertainment/cabana building IS</i>	1,550 sf
<i>Proposed guest house/art studio IS</i>	7,000 sf
<i>Proposed horse barn IS</i>	8,000 sf
<i>Proposed agricultural building IS</i>	8,000 sf
<b>Total proposed IS Area</b>	<b>63,605 sf</b>

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<sup>1</sup>The winery use is regulated and operated pursuant to CUP X7D-151.

<sup>2</sup>The clay court surface may or may not qualify as a permeable material as allowed for in town IS standards. For the purposes of this permit, however, it is included within the total allowed IS area.

The scope of existing and proposed site improvements authorized by this permit is shown on the plan data listed under Condition 7. of this permit, including the "agricultural plan" descriptions set forth on plan Sheet: SK-1, dated 11/14/13. Specific building permit plans for all authorized floor area and IS areas shall be subject to ASCC review for conformity with

provisions of this permit prior to issuance. Further, all such building permits shall be subject to normal site development permit requirements. In addition, the floor area and IS allowance provisions and the provisions for agricultural uses of this permit are subject to compliance with the following conditions:

1. This permit shall be valid for a period of five (5) years from the effective date of planning commission approval of the amended conditional use permit. Authorized buildings must be constructed or under construction within the initial five-year period. Any building(s) not under construction within the five-year period may not be authorized unless the planning commission finds, prior to the end of the initial five-year period, that building permit plans for the structures are in process of town review and that construction will be initiated within a reasonable period of time, e.g., within six months of the end of the initial five-year period. Agricultural uses in the meadow preserve area shall also be initiated within the five-year period.
2. If none of the authorized buildings or uses are pursued within the five-year period stated in condition 1. above, then this CUP shall expire. If, however, any of the authorized floor area and associated impervious surface area or related new agricultural uses have been improved, as provided for herein, or are in the process of construction, the permit shall remain in effect for the uses under construction until such time as other town approvals may be granted for uses or improvements that would supersede the provisions of this permit. Once a building permit has been issued, building construction shall be completed in a timely manner.
3. The primary access to the site shall continue to be the gated driveway common with the entry to the Windy Hill Open Space preserve at the south end of the parcel's Portola Road frontage. The existing gated driveway at the north end of the parcel's Portola Road frontage shall only be for secondary access, i.e., maintenance of the meadow area, emergency access and service to the meadow area agricultural uses allowed for herein.
4. The northerly secondary driveway connection may be improved for safety of service vehicle access; however, this shall only be concurrent with development of the agricultural building and meadow agricultural uses. Such improvement may be by widening of the existing driveway connection or development of a new, replacement driveway connection, as evaluated in the December 2, 2011 staff report to the planning commission. Any such improvements shall be to the traffic engineering requirements of the public works director, to the satisfaction of the fire marshal for emergency access vehicles and to the satisfaction of the ASCC relative to the aesthetic considerations for the Portola Road corridor.
5. Existing dirt/grass service roads as identified on the permit plans shall not be paved or otherwise improved beyond their existing condition. These roads in the meadow area are specifically identified on plan Sheet SK-1, dated 11/14/13, and may continue to be used for periodic maintenance and harvesting of agricultural production consistent with the agricultural plan on SK-1 and the provisions of CUPs X7D-151 and X7D-169. No new property dirt/grass service roads shall be established for the meadow area. Further, the current meadow area dirt/grass service roads shall not be improved beyond their current conditions. The alignment of the existing dirt/grass roads may be modified when found appropriate by the ASCC during review and approval of detailed meadow area planting and fencing plans.

6. The property owner shall continue to work with the town relative to town objectives for selective trimming and removal of vegetation along the Portola Road Corridor parkway as shown on the general plan. Specifically, when the Portola Road Corridor Plan is completed, but no more than 24-months from the effective date of this CUP amendment, the property owner shall make a good faith effort to collaborate with appropriate town representatives in additional selective trimming and removal of vegetation consistent with the provisions of the completed plan. The property owner is encouraged to participate in the Corridor Plan process so that final objectives relative to clearing and opening of views can benefit from property owner input.
7. Prior to release of permits for any new structure, plan details for the existing tennis court shall be provided to the satisfaction of planning staff to ensure that the court work adheres to town grading and building permit standards and regulations.
8. The plans listed below are the approved master plans for this CUP. The plans, unless otherwise noted, have been prepared by CJW Architecture and have a revision date of June 21, 2011:

Sheet: A-0.0, "Title"

Sheet: A-1.0, Site Plan – All Projects, 12/1/11

Sheet: T-0.1A, Title Sheet: Cabana - Project #1, 6/18/10

Sheet: A-1.1A, Site Plan – Cabana, 10/4/10

Sheet: A-2.1A, Cabana Floor Plan & Elevations, 6/16/09

Sheet: T-0.1B, Title Sheet: Greenhouse – Project #2, 7/20/10

Sheet: A-1.1, Site Plan (Greenhouse), 1/14/09

Sheet: A-2.1B, Main Floor Plan (Greenhouse), 2/23/10

Sheet: A-3.1B, (Greenhouse) Exterior Elevations, 2/23/10

Sheet: A-1.1C, Site Plan (and building elevations) – Guest House (studio), 7/20/10

Sheet: A-1.1D, Site Plan (and building elevations) – Barn, 7/20/10

Sheet: A-1.1E, Site Plan (and building elevations) – Ag. Building, revised 1/10/12

Sheet: SK-1, Site Plan, Revised November 14, 2013

In addition to being in general conformity with these plans, final building permit plans for new structures, and all uses shall conform to the following:

- a. With approval of Sheet: SK-1, up to 5.5 acres of vineyards may be placed in the identified New Agricultural areas identified on this plan sheet.
- b. Detailed building permit and grading/site development permit plans shall be presented to the ASCC for review and approval prior to issuance. Each building, i.e., greenhouse, cabana/entertainment building, stable, guest house/art studio, and agricultural building shall be reviewed pursuant to the provisions of the site development ordinance and shall conform to provisions of the ordinance.
- c. The final building permit and grading plans shall address the design review issues identified by the ASCC during the course of the June and July 2009 project reviews, October 2010 project reviews, and project review conducted on August 22, 2011. In particular, the matters of exterior lighting, as well as internal greenhouse illumination

and a shade system to control light spill and greenhouse wall and roof material reflectivity, shall be addressed to the satisfaction of the ASCC. Further, all final exterior materials and finishes shall be in general conformity with the following to the satisfaction of the ASCC:

- Colors and material boards for the Cabana/Entertainment and Greenhouse buildings, both dated 2/20/09 (Note: The colors and materials board for the Cabana/Entertainment building also sets the basic finish framework for the guest house and art studio structures.)
  - Finish board for the stable building, dated 7/25/10.
  - Finish board for the proposed Agricultural building, dated 8/19/11 (photo representation of the Automotive Innovation Laboratory building on the Stanford University campus). A detailed materials board dated 9/30/11 has been prepared that will need to be presented for final ASCC review and approval when final building plans for the agricultural building are presented to the ASCC for approval.
- d. During the course of building permit plan review for the cabana/entertainment building, the ASCC shall consider the need for additional screen planting relative to views to and from the trails on the MROSD lands. As determined necessary, such planting shall be provided to the satisfaction of the ASCC. The MROSD shall be consulted in this review process.
- e. Final plans shall conform to the requirements set forth in the following reviews to the satisfaction of the reviewer prior to issuance of building or grading permits:
- June 22, 2009, August 31, 2010, August 11, 2011 reports of the town geologist
  - July 1, 2009 and September 2, 2010 reports of the fire marshal
  - July 1, 2009 and August 19, 2010 reports of the health officer
  - August 19, 2010 report from the public works director
- Pursuant to the requirements of these reviews, the improvements to the existing driveway for access to the cabana/entertainment, guest house and art studio structures shall only be the minimum needed to ensure stability of the roadbed and conformity to the requirements for emergency access, including turnouts, for the accessory use and shall not be paved. (*Note: The provisions of the fire marshal include the requirements for a new fire hydrant if determined necessary for any of the individual projects.*)
- f. The provisions for the gray water sink and composting toilet for the agricultural building shall be to the satisfaction of the health officer.
- g. Final building permit plans for all proposed buildings shall be consistent with the design framework and objectives set forth in the February 20, 2009 letter from CJW Architecture as well as project clarifications made by the applicant and design team relative to these structures as reflected in the minutes of the June 8, 2009 joint planning commission and ASCC meeting, June 17, 2009 planning commission meeting, June 22, July 13, 2009 and August 22, 2011 ASCC meetings.

- h. The new stable and all structures above the existing residence (i.e., cabana/entertainment building, art studio and guest house) shall be "off-the-grid" as described in the February 20, 2009 letter from CJW Architecture and all buildings shall achieve Build It Green (BIG) scores as committed to in the February 23, 2009 communications from CJW to the satisfaction of planning staff. Prior to sign-off by the town of the building permits for these projects, the applicant shall provide documents prepared by a certified Green Point rater verifying that the required BIG point totals have been achieved and that the structures otherwise conform to the town adopted mandatory GreenPoint rated Build It Green program.

*(Note: At the December 7, 2011 public hearing, the applicant clarified that the pool/greenhouse would be "on the grid" and served by the utilities that extend to the main house. The agricultural building would have solar panels, but would be "on the grid" so that any excess power could be fed into the "grid.")*

- i. A detailed planting plan, with fencing provisions, (see also condition 7.l. relative to fencing), shall be provided for the agricultural uses conceptually identified on plan Sheet: SK-1. This plan shall be to the satisfaction of the ASCC and shall include detailed meadow management provisions, including irrigation details, in line with the Agricultural Plan statement on Sheet: SK-1. Further, the plan shall detail anticipated harvesting activities and periods and how vehicle access shall be managed to minimize both traffic and meadow impacts (driveway surface, etc.). The plan shall also include provisions for on-going control of invasive grasses in the meadow area and definition of the details for the dry-farming program to be applied as generally described by the applicant at the December 7, 2011 public hearing.
- j. Water used from the existing spring system shall be by gravity flow only. The permit does not provide for any pumping of ground water to serve the new facilities and uses. If pumping were to be proposed or considered, it would require use permit amendment and additional environmental review.
- k. Construction staging plans for each structure project shall be provided with building permit plans to the satisfaction of the ASCC.
- l. Fencing of the non-hay/grass new agricultural blocks shall be as transparent as possible. Specifically, the fencing shall be no higher than 7 feet and shall be of 2-inch grape stakes, at 10-foot spacing, with no rails and 6"x6" narrow gauge wire mesh. A smaller mesh may be used for the lower three feet of vegetable block fencing. Recycled materials shall be used for fencing whenever possible. New meadow area fencing is permitted only around and within the "new agricultural" blocks and shall be the minimum possible necessary to provide for protection of the non-hay/grass agricultural plantings. All meadow area fencing plans shall be subject to ASCC review and approval prior to installation and shall incorporate provisions to the satisfaction of the ASCC to ensure fencing is adjusted to site contours and existing trees and other vegetation to be as transparent and inconspicuous as possible relative to views from the Portola Road Corridor.
- m. While it is recognized that there could be extraordinary circumstances, as noted on Sheet: SK-1, requiring the need to consider and use chemical herbicides and pesticides, such use shall be subject to prior approval by the town relative to the specific extraordinary circumstances. The request to the town for such chemical use

shall be fully explained and documented in a transmittal to the town planner. The town planner shall consult any resources, including, for example, environmental consultants, deemed appropriate to consider and act on the request. The cost for all town time, including consultants, associated with review and action on the request shall be borne by the permit holder.

9. The area identified as Hay/Grass on SK-1 shall be maintained in such hay/grass uses or open space.
10. There shall be no fencing along the southern boundary of the subject property and no new planting of trees or other non-hay/grass materials shall take place to define the boundary and/or physically or visually break up this contiguous "meadow preserve" area. Further, no signage, e.g. "no trespassing" or other site markings shall be installed to identify the boundary. It is assumed that the neighboring property owners will achieve private cooperation relative to respecting the boundary. If the boundary matter proves to be a documented problem, the property owner may seek relief from this condition from the planning commission without the need for a conditional use permit amendment.
11. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
12. If the permit is exercised and floor area and impervious surfaces constructed fully or in part as authorized, this permit shall be subject to periodic review by the planning commission for conformity with permit terms. The initial review shall be three years from the effective permit date and, thereafter, every five years unless an earlier review is determined necessary by town officials. The permittee shall be responsible for all town costs associated with any permit review.
13. A modified memorandum of acknowledgement and acceptance of the findings and limitations and terms and conditions of this amended use permit shall be prepared by the town attorney, executed by the applicants, and recorded in the office of the San Mateo County recorder prior to release of any of the permits or town authorizations for the structures and uses allowed for in this permit.

**EXHIBIT C – PLANNING COMMISSION RESOLUTION No. 2013-3  
TERMS AND CONDITIONS**

Town of Portola Valley  
**Amended Conditional Use Permit X7D-151**  
**SPRING RIDGE LLC (NEELY/MYERS)**  
**555 PORTOLA ROAD**  
**ASSESSOR'S PARCEL NUMBER: 076-340-110**

**As amended by the Planning Commission  
November 20, 2013**

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1. The location of the vineyards shall be consistent with the plan entitled, "Existing Vineyard and Winery Access, Spring Ridge Property, Portola Valley, CA," dated 4/17/00. Beyond the 13.5 acres of existing vineyards shown on this plan, up to an additional 5.5 acres of vineyards may be established as provided for on Sheet: SK-1, 11/14/13, prepared by CJW Architecture, pursuant to the provisions of Conditional Use Permit (CUP) X7D-169.
  2. Only grapes grown on the property may be used in the making of wine.
  3. Irrigation water, when needed, is to be applied by drip irrigation.
  4. No fertilizers, herbicides, or pesticides shall be used. Sulfur, may be used in small quantities and only in the vineyard areas. Further, under extraordinary circumstances it is recognized that there could be the need to consider and use chemical herbicides and pesticides. Such use, however, shall be subject to prior approval by the town relative to the specific extraordinary circumstances. The request to the town for such chemical use shall be fully explained and documented in a transmittal to the town planner. The town planner shall consult any resources, including, for example, environmental consultants, deemed appropriate to consider and act on the request. The cost for all town time, including consultants, associated with review and action on the request shall be borne by the permit holder.
  5. Customers may not come to the winery for tasting or purchasing of wine.
  6. Erosion shall be minimized through good practices and sediments shall be controlled on site through best management practices consistent with contemporary standards to the satisfaction of the public works director.
  7. Pulp from the wine production, including seeds, skins and stems shall be plowed back into the vineyards.
  8. There will be no signage on the property with respect to the winery other than interior signs to direct persons to the winery building. Such signs shall be reviewed by the Town Planner and referred to the ASCC if necessary.



9. This permit may be reviewed annually by the planning commission to determine if the project is in conformity with the provisions of the permit and applicable town ordinances. This review need not be a noticed public hearing; however, the holder of the permit and the adjoining property owners shall be notified. Costs attendant to the annual review shall be covered by a fee and deposit made by the holder of the permit.